



Practitioner's Docket No. U 014701-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Manobjyoti BORDOLOI, et al
Serial No.: 10/613,532 Group No.: 1632
Filed: July 3, 2003 Examiner.: Herbert J. Lilling
For: PROCESS FOR THE ISOLATION OF POLYHYDROXYBUTYRATE FROM BACILLUS
MYCOIDES RLJ B-017

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT THAT SUBSTITUTE SPECIFICATION
CONTAINS NO NEW MATTER (37 C.F.R. 1.125)**

1. Identification of person making this statement

CLIFFORD J. MASS
(type or print name)
LADAS & PARRY LLP
Address
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023

The person making this statement is:
(complete applicable item)

- [] the inventor in this application.
[X] the attorney in this application, Registration Number 30086.
[] other (indicate relationship)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to the Commissioner for
Patents, P. O. Box 1450, Alexandria, VA 22313-
1450.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and
Trademark Office to (571)-273-8300.

Date: June 19, 2006

Signature

CLIFFORD J. MASS
(type or print name of person certifying)

2. Statement

I hereby state that the accompanying substitute specification contains no new matter over that contained in the above-identified application originally filed.

- ☐ I further state that the changes made are the same as indicated in the marked-up copy of the immediate prior version of the specification also accompanying this statement.
- ☒ As no changes are made (e.g. the substitute specification is only a clearer copy) the marked-up copy is the same as the substitute specification and only one copy for both accompanies this statement.

June 19, 2006

date



CLIFFORD J. MASS



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STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

WARNING: *Submission of a letter related to a biological deposit after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.*

I, CLIFFORD J. MASS
Name of Applicant or Assignee or Assignee's representative

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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- ☐ transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

Date: June 19, 2006

***WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

1. That the following culture(s) referred to in the specification of this application have been deposited:

2. That the date of the above deposit is:

☐ before the U.S. filing date of this application.
☒ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

INSTITUTE OF MICROBIAL TECHNOLOGY	Name of depository
SECTOR 39-A, CHANDIGARH - 160036 INDIA	Address of depository

(complete a, b or c below)

- WARNING:** *If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.*

5. That, with respect to the permanence of the culture(s) deposit:

(complete a, b, or c)

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☐ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

- ☐ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

June 19, 2006

Date

P.O. Address of Signatory

LADAS & PARRY LLP

26 WEST 61ST STREET

NEW YORK, NEW YORK 10023

CLIFFORD J. MASS

(type or print name of person signing)

Signature

- ☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on behalf of assignee

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee: _____

Assignment recorded in PTO on _____

Reel _____ Frame _____

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

MTCC



**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

To Dr. Manobjyoti Bordoloi Scientist Natural Products Chemistry Division Regional Research Laboratory Jorhat - 785 006, INDIA NAME AND ADDRESS OF THE DEPOSITOR	RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY Identified at the bottom of this page
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <p align="center"><i>Bacillus mycoides</i> RLJ B-017</p>	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <p align="center">MTCC 5168</p>
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by : <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on <u>30.07.2004</u> (date of the original deposit) ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Dr. G.S.PRASAD Address: Microbial Type Culture Collection & Gene Bank ¹ Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	Signature: MTCC in India the power to represent the International Depositary Authority or of authorized official(s): Institute of Microbial Technology Sector 39-A, Chandigarh-160 036 Date: INDIA 30.07.2004

¹ Where Rule 6.4(d) applies, such date is the date on which the status of International Depositary Authority was acquired

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

<p>To</p> <p>Dr. Manobjyoti Bordoloi Scientist Natural Products Chemistry Division Regional Research Laboratory Jorhat – 785 006. INDIA</p> <p align="center">NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED</p>	<p>VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY Identified on the following page</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------


I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: Dr. Manobjyoti Bordoloi Address: Scientist Natural Products Chemistry Division Regional Research Laboratory Jorhat – 785 006. INDIA</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY</p> <p align="center">MTCC 5168</p> <p>Date of the deposit or of the transfer: 30-07-2004</p>

III. VIABILITY STATEMENT
<p>The viability of the microorganism identified under II above was tested</p> <p>on <u>29.07.2004</u> ² on that date, the said microorganism was</p> <p>(<input checked="" type="checkbox"/>)³ viable</p> <p>(<input type="checkbox"/>)³ no longer viable</p>

¹ Indicate the date of the original deposit or, where the new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED ⁴	
- Not Applicable -	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Dr. G.S. PRASAD Microbial Type Culture & Gene Bank (MTCC) Address: Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	<div style="text-align: center;">  MTCC-an IDA Institute of Microbial Technology Sector 39-A, Chandigarh-160 036 INDIA </div> Signature of person(s) having the power to represent the International Depositary Authority or of authorised official(s) Date: 30.07.2004

⁴ Fill in if the information has been requested and if the results of the test were negative.